

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

ETTA JANE PATTON,

Plaintiff,

v.

CIVIL ACTION NO. 1:15-15984

NANCY A. BERRYHILL,

Acting Commissioner of the  
Social Security Administration.<sup>1</sup>

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this matter was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and recommendations ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). See Doc. No. 3.

Magistrate Judge Eifert submitted to the court her PF&R on May 24, 2017, in which she recommended that the court grant Defendant's Motion to Dismiss; that the court dismiss the complaint, with prejudice; and that the court remove this matter from the court's docket.

In accordance with 28 U.S.C. § 636(b), the parties were allotted seventeen days in which to file any objections to the

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<sup>1</sup> Pursuant to 42 U.S.C. § 405(g) and Rule 25(d) of the Federal Rules of Civil Procedure, the current Acting Commissioner of the Social Security Administration, Nancy A. Berryhill, is substituted for former Acting Commissioner Carolyn W. Colvin as Defendant in this action.

Magistrate Judge's PF&R. The failure of any party to file such objections within the time allotted constitutes a waiver of such party's right to a de novo review by this court. See Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). Neither party filed any objections to the Magistrate Judge's PF&R within the required time period.

Accordingly, the court adopts Magistrate Judge Eifert's PF&R as follows:

- 1) Defendant's Motion to Dismiss is **GRANTED**;
- 2) The complaint is **DISMISSED**, with prejudice; and
- 3) The Clerk is directed to remove this matter from the docket of the court.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record.

It is **SO ORDERED** this 16th day of August, 2017.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge